

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK OF COURT
JUL 1 2005
AUG 33

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
ITZA RUIZ, A/K/A ITZA GALVAN)
SANTOS, AND HERIBERTO RUIZ,)
Defendants.)

CRIMINAL NO. 04-10176-RWZ

UNITED STATES' MOTION FOR RELEASE OF NOTICE OF LIS PENDENS

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court authorize the United States to release the Notice of Lis Pendens recorded at the Essex County Registry of Deeds against the real property located at 226 Essex Street, Saugus, Massachusetts (the "Real Property").

As grounds for this motion, the parties agree that Heriberto Ruiz may have until May 31, 2005, or 30 days prior to the sentencing in this instant criminal case, the event sentencing is adjourned, to complete a closing on the sale of the Real Property through a private real estate broker. Heriberto Ruiz will then apply the proceeds of the sale of the Real Property to the outstanding balance on the loan issued by Countrywide Home Loans, which holds a mortgage lien on the Real Property. The net proceeds from the sale of the Real Property shall then be held in escrow by the Claimant's attorney pending resolution of the criminal case.

WHEREFORE, the United States requests that the Court authorize

the Notice of Lis Pendens to be released. A proposed Release of Notice of Lis Pendens is submitted herewith for consideration by the Court.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jennifer H. Zacks
ANTOINETTE E.M. LEONEY
JENNIFER H. ZACKS
Assistant U.S. Attorney
1 Courthouse Way
Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: 5/31/05

CERTIFICATE OF SERVICE

I, Jennifer H. Zacks, Assistant U.S. Attorney, hereby certify that a true copy of the foregoing Motion for Release of Notice of Lis Pendens, as well as the proposed Release of Lis Pendens, was served upon Catherine K. Byrne, Esquire, Federal Defender's Office, 408 Atlantic Avenue, Third Floor, Suite 328, Boston, Massachusetts 02210, as counsel for Defendant Itza Ruiz, a/k/a Itza Galvan Santos, and Stephen A. Jonas, Esquire, Daniel R. Margolis, Esquire, and Sarah E. Ragland, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109, as counsel for Defendant Heriberto Ruiz, by first class mail, postage prepaid.

/s/ Jennifer H. Zacks
Jennifer H. Zacks
Assistant U.S. Attorney

Dated: 5/31/05

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